

## FISCAL NOTE

### SB 2574 - HB 2570

February 8, 2006

**SUMMARY OF BILL:** Broadens the offense for a person to knowingly photograph an individual using a cell phone or other electronic device, without such individual's consent, to include restroom facilities available to the general public, clothing stores with dressing areas, health clubs and tanning facilities. Requires such places to post a sign prohibiting the use of cell phones or alerting persons that such photography is illegal.

#### **ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$1,100/Incarceration\***  
**Increase Local Govt. Expenditures – Not Significant**

Assumptions:

- One Class E felony every five years with 0.3 years time served (109.58 days). The annualized time served per conviction is 21.92 days (0.20 annual number of convictions x 109.58 days served). According to the Department of Correction, the average operating cost per inmate per day for calendar year 2006 is \$50.02. The annualized cost per conviction is \$1,100 ( $0.20 \times 109.58 \times \$50.02 = \$1,096.24$ ).
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.09% per year for the past 10 years, yielding a projected compound population growth of 13.6% over the next ten years. No significant incarceration cost increase will occur due to population growth in this period.
- According to the Administrative Office of the Courts, there was only one felony conviction under this statute for the past ten years.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years, beginning with the year the additional sentence to be served impacts the correctional facilities population.*

#### **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director